

Amendment No. 1 to SB1442

**Ketron
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1442

House Bill No. 1187*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-7-208(g), is amended by deleting the first sentence in its entirety and by substituting instead the following language:

Except as provided in subsection (l) below, the provisions of subsections (b)-(d) shall not apply if an industrial, commercial, or other business establishment ceases to operate for a period of thirty (30) continuous months and the industrial, commercial, or other business use of the property did not conform with the land use classification as denoted in the existing zoning regulations for the zoning district in which it is located.

SECTION 2. Tennessee Code Annotated, Section 13-7-208, is amended by adding the following language as new subsection (l):

(l)

(1) As used in this subsection "motor vehicle business establishment" means a business establishment which sells motor vehicles and all such motor vehicles have been previously titled.

(2) In any municipality having a metropolitan form of government and a population of over three hundred thousand (300,000) according to the 2000 federal census or any subsequent federal census, if:

(A) A motor vehicle business establishment is operating and is permitted to operate or continue operating under zoning regulations, or nonconforming uses or exceptions thereto, in effect immediately preceding a change in zoning; and

(B) The operation of the motor vehicle business

establishment either:

(i) Ceases for a period not to exceed thirty (30) continuous months but following such period of non-operation, the owner intends to resume operations in the same location as a motor vehicle business establishment;
or

(ii) Changes ownership and the new owner intends to operate at such location as a motor vehicle business establishment;

then the owner of such motor vehicle business establishment shall appear before the local planning commission to show cause why the nonconforming zoning applicable to the previous motor vehicle business operation or establishment should continue to apply.

(2) All other industrial, commercial or other business establishments in any municipality with a metropolitan form of government and a population of over three hundred thousand (300,000) according to the 2000 federal census or any subsequent federal census, shall be entitled to operate pursuant to the provisions of subsection (g).

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring

it.